



June 8, 2007

Ron Sutton
Civil Engineering Associates, LLC
3 Shale Street
Townsend, DE 19734

RE: PLUS review – PLUS 2007-05-04; Warrington Property

Dear Mr. Sutton:

Thank you for meeting with State agency planners on May 23, 2007 to discuss the proposed plans for the Warrington property project to be located on the southeast corner of Route 54 and Hudson Road.

According to the information received, you are seeking site plan approval for 124 residential units on 56.38 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the Town of Selbyville is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *Our office*

notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.

State Strategies/Project Location

- This office has no objections to the proposed project and encourages the developer to coordinate any activities with the Town of Selbyville. In addition, this office encourages the developer to review the additional comments provided by the various state and county agencies to further improve upon the proposed subdivision. If you have any additional questions, please contact my office.

Street Design and Transportation

- Delaware Route 54 and Hudson Road south of Route 54 are major collector roads. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- While this development does not warrant a traffic impact study (TIS), one is in progress for Selbyville Town Village development, proposed for the southwest corner of Route 54 and Hudson Road. To the extent that that study identifies needed road improvements to which this development would also contribute traffic, we anticipate asking Burcap Partners to participate in those improvements too. Without prejudging the results of that study, the developer should anticipate a requirement to improve part of Hudson Road to meet DelDOT's collector road standards. Those standards include 12-foot lanes and 8-foot shoulders.
- DelDOT recommends that the developer provide, and the Town require, stub streets to the Chester Kenneth Lynch and Lynch Farm LLC parcels.
- The location and design of the entrance on Hudson Road will need to be coordinated with the proposed entrances to Selbyville Town Village.
- The application indicates that sidewalks are planned but that a bicycle path is not. Typically, DelDOT requires a 10-foot shared use path in a 15-foot wide easement along a development's road frontage, but they will want to coordinate with Town regarding any requirements they might have. DelDOT also recommends that sidewalks be provided throughout the development to encourage walking and provide safe paths for pedestrians.

Natural and Cultural Resources

- The Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and water bodies.
- According to the application, 6.51 acres of forest will be removed; however, this figure should be recalculated because there are 22 completely forested lots, 7 partially forested lots and a roadway system with a cul-de-sac that will require clearing. It is likely that additional clearing by residents for sheds, pools, play areas, dog kennels, etc. will also occur. Residents have a right to these amenities and one way to prevent large scale clearing is to relocate those lots.

Perhaps the required open space (currently in the middle of the development) can include the forested area instead. Residents would likely benefit from the recreational opportunity that only forests can provide, such as trail walking, bird watching, etc. Or conversely, the number of lots and associated infrastructure in the forest could be downsized (lots that will result in clearing are approximately 18-33, 88-90, and 11-120).

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Bryan Hall 739-3090

This office has no objections to the proposed project and encourages the developer to coordinate any activities with the Town of Selbyville. In addition, this office encourages the developer to review the additional comments provided by the various state and county agencies to further improve upon the proposed subdivision. If you have any additional questions, please contact my office.

Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685

If this development moves forward, the DHCA would like the opportunity to examine this property/area for archaeological sites, and take photographs prior to any demolition or ground disturbing activities. This site is home to an agricultural complex/dwelling along Rt.54. Also there is a possibility that there could be prehistoric or historic archaeological site on this parcel/property

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Delaware Route 54 and Hudson Road south of Route 54 are major collector roads. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore they will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 2) While this development does not warrant a traffic impact study (TIS), one is in progress for Selbyville Town Village development, proposed for the southwest corner of Route 54 and Hudson Road. To the extent that that study identifies needed road improvements to which this development would also contribute traffic, we anticipate asking Burcap Partners to participate in those improvements too. Without prejudging the results of that study, the developer should anticipate a requirement to improve part of Hudson Road to meet DelDOT's collector road standards. Those standards include 12-foot lanes and 8-foot shoulders.
- 3) DelDOT recommends that the developer provide, and the Town require, stub streets to the Chester Kenneth Lynch and Lynch Farm LLC parcels, respectively Tax Parcels 5-33-017.00-0184.00 and 5-33-018.00-0035.00. Because the extension of these stub streets would involve crossing tax ditches, the plan should provide additional rights-of-way or easements as necessary to permit the construction and maintenance of those crossings.
- 4) The location and design of the entrance on Hudson Road will need to be coordinated with the proposed entrances to Selbyville Town Village.
- 5) The application indicates that sidewalks are planned but that a bicycle path is not. This office typically requires a 10-foot shared use path in a 15-foot wide easement along a development's road frontage, but we will want to coordinate with Town regarding any requirements they might have. We also recommend that sidewalks be provided throughout the development to encourage walking and provide safe paths for pedestrians.
- 6) The developer's site engineer should contact our Subdivision Manager for Sussex County, Mr. John Fiori, regarding the items above and other specific requirements for access and off-site improvements that he might have. Mr. Fiori may be reached at (302) 760-2260.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-9071**

Soils

Based on the Sussex County soil survey update, Hammonton, Askecksy, Hurlock, and Mullica were mapped in the immediate vicinity of the proposed construction. Hammonton is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Askecksy, Hurlock, and Mullica are poorly to very poorly-drained wetland associated (hydric) soils that have severe limitations for development. At least 80% of the land area of this parcel contains Askecksy, Hurlock, and/or Mullica soil mapping units; these soils are considered unsuitable for development and should be avoided.

As mentioned previously, a significant portion of the mapped soils on subject parcel are poorly to very poorly-drained (hydric) Askecksy, Hurlock, and Mullica soils (estimated 80% of the parcel's land area). Hydric soils typically have a seasonal high water table at or near the soil surface (within one-foot of soil surface or less). Building in such soils is likely to leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surface water ponding, especially during extended periods of high-intensity rainfall events such as tropical storms/hurricanes or "nor'easters." This is in addition to increased flooding probabilities from surface water runoff emanating from future created forms of structural imperviousness (roof tops, roads, and sidewalks).

Based on the Chapter 99, Section 16A of the Sussex County Code (paraphrased), lands compromised by improper drainage or flooding potential pose significant threats to the safety and general welfare of future residents and, therefore, shall not be developed. Since most of the parcel's mapped soils (e.g., Askecksy, Hurlock, and Mullica) fit the criterion for improper drainage or high flooding potential, the Watershed Assessment Section believes permitting development on such soils would violate the above-stated provision of the Sussex County Code.

Wetlands

According to the Statewide Wetland Mapping Project (SWMP) mapping, palustrine forested wetlands were mapped over much of the southeastern portion of subject parcel.

The applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they are subject to regulatory jurisdiction under Federal 404 provisions of the Clean Water Act. A site-

specific field wetlands delineation using the methodology described in the 1987 United States Army Corps of Engineers (USACE) manual is the basis for making a jurisdictional wetland determination for nontidal wetlands in Delaware. The USACE views the use of the National Wetlands Inventory (NWI) mapping or the Statewide Wetlands Mapping Project (SWMP) mapping as an unacceptable substitute for making such delineations. To ensure compliance with USACE regulatory requirements, it is strongly recommended that a field wetlands delineation using the above-referenced methodology be performed on this parcel before commencing any construction activities. It is further recommended that the USACE be given the opportunity to officially approve the completed delineation. In circumstances where the applicant or applicant's consultant delineates what they believe are nonjurisdictional isolated (SWANCC) wetlands, the USACE must be contacted to evaluate and assess the jurisdictional validity of such a delineation as the final jurisdictional authority for making isolated wetlands determinations ultimately rests with the USACE. The USACE can be reached by phone at 736-9763.

Based on a review of existing buffer research, an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100-foot in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and water bodies.

Wetlands/Subaqueous Lands Permitting

Any storm water outfall, structure or utility line crossing of the stream may require permits from the State of Delaware and the US Army Corps of Engineers. In addition a State Water Quality Certification may be required. A meeting with the Joint Permit Processing Committee is recommended. Contact the Wetlands and Subaqueous Lands Section at (302) 739-9943 for more information.

Impervious Cover

Based on information provided by the applicant in the PLUS application, post-development surface imperviousness for this project was estimated by the applicant to reach 26 percent. However, given the scope and density of this project this projection may be an underestimate.

The applicant should realize that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, stormwater management structures, and roads) should be included in the calculation for surface imperviousness. It was not clear from the submittal whether this was done or not.

Nonetheless, it is strongly recommended that the applicant include all of aforementioned forms of surface imperviousness in their finalized calculation for surface imperviousness; this will ensure a realistic assessment of this project's likely post-construction environmental impacts.

Studies have consistently shown a strong relationship between increases in surface imperviousness and subsequent declines in a watershed's water quality. Therefore, it is strongly recommended, therefore, that the applicant implement best management practices (BMPs) that reduce or mitigate some of its most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

ERES Waters

This project is located adjacent to receiving waters of the Assawoman watershed. Such waters are designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 5.6.3.5 of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

TMDLs

Total Maximum Daily Loads (TMDLs) for bacteria have been promulgated through regulation for the Assawoman watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. In the Assawoman watershed, "target-rate-nutrient reductions" of 40% will be required for bacteria.

TMDL Compliance through the PCS

As mentioned previously, the TMDL calls for a 40 percent reduction in bacteria. A pollution control strategy (PCS) will be used as a regulatory framework to ensure that these nutrient reduction targets are attained. The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional nutrient reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses, increasing passive, wooded open space, and the use of green-technology stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The project information sheets state water will be provided to the project by the Town of Selbyville via a public water system. DNREC records indicate that the project is located within the public water service area granted to the Town of Selbyville under Certificate of Public Convenience and Necessity 05-CPCN-37.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as

construction inspection will be coordinated through the Sussex Conservation District. Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Drainage

1. This project is within the Bunting Tax Ditch, which has existing tax ditch rights-of-way. The tax ditch easement widths shown on the plan are inconsistent with the widths of the existing tax ditch rights-of-way. Please continue to work with the Drainage Program in Georgetown at (302) 855-1930 on the tax ditch rights-of-way and the release of stormwater into the tax ditch.
2. The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.
3. Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.
4. The Drainage Program applauds the absence of lot lines within the tax ditch rights-of way. Although proposed as open space, tax ditch rights-of-way are utilized for the spreading of spoil from tax ditch maintenance. No permanent obstructions are to be placed within a tax ditch right-of-way.

For questions or clarifications, please contact Jim Sullivan at 739-9921.

Forest Preservation

DNREC encourages the applicant to consider reconfiguring the site plan so that the existing forested area can be maintained. According to the application, 6.51 acres of forest will be removed; however, this figure should be recalculated because there are 22 completely forested lots, 7 partially forested lots and a roadway system with a cul-de-sac that will require clearing. It is likely that additional clearing by residents for sheds, pools,

play areas, dog kennels, etc. will also occur. Residents have a right to these amenities and one way to prevent large scale clearing is to relocate those lots.

The developer may relocate the required open space (currently in the middle of the development) so it may include the forested area instead. Residents would likely benefit from the recreational opportunity that only forests can provide, such as trail walking, bird watching, etc. Or conversely, the number of lots and associated infrastructure in the forest could be downsized (lots that will result in clearing are approximately 18-33, 88-90, and 11-120). Many incentive-based programs for wildlife management are available to private landowners through our agency. Please contact Shelley Tovell at (302) 653-2880 if the landowner(s) is/are interested in more information.

Many species, often rare species, depend on larger connected areas of forest. Forest fragmentation separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species, particularly songbirds, vulnerable to predation. The cumulative forest loss has led to a corresponding loss of forest-dependent species (Environmental Law Institute. 1999. Protecting Delaware's Natural Heritage: Tools for Biodiversity Conservation. ISBN#1-58576-000-5). Forest loss throughout the state is of utmost concern to our Division (which is charged with conserving and managing the states wildlife; see www.fw.delaware.gov and the Delaware Code, Title 7). Because of an overall lack of forest protection, we have to rely on applicants and/or the entity that approves the project (i.e. counties and municipalities) to consider implementing recommendations that will aide in reducing forest loss.

Potential Hunting Issue

Because the project parcel is part of a larger forest block, legal hunting activities may take place on adjacent properties. Hunting within 100 yards of a dwelling is prohibited and the applicant should contact adjacent landowners to determine if this is going to be an issue. In effect, the adjacent landowner will be losing 100 yards of their property for hunting if there is not a buffer between lot lines and the adjacent property line. There is also noise associated with hunting, such as the discharge of firearms or dogs barking when pursuing game.

Nuisance Waterfowl

Stormwater management ponds may attract waterfowl such as resident Canada Geese. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species; therefore we recommend native plantings of tall grasses, wildflowers, shrubs, and trees at

the edge and within a buffer area around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Solid Waste

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average, each new house constructed generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact that growth will have on the state's existing landfill capacity, the applicant is requested to be aware of the impact this project will have on the State's limited landfill resources and, to the extent possible, take steps to minimize the amount of construction waste associated with this development.

Underground Storage Tanks

There is one inactive LUST site(s) located near the proposed project:

Warrington Airport, Facility # 5-000843, Project # S9705081

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 9.5 tons (19,032.7 pounds) per year of VOC (volatile organic compounds), 7.9 tons (15,757.8 pounds) per year of NOx (nitrogen oxides), 5.8 tons (11,626.4 pounds) per year of SO2 (sulfur dioxide), 0.5 ton (1,034.9 pounds) per year of fine particulates and 796.0 tons (1,592,061.6 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 3.8 tons (7,676.8 pounds) per year of VOC (volatile organic compounds), 0.4 ton (844.7 pounds) per year of NO_x (nitrogen oxides), 0.4 ton (701.0 pounds) per year of SO₂ (sulfur dioxide), 0.5 ton (904.6 pounds) per year of fine particulates and 15.6 tons (31,119.9 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.5 tons (3,042.5 pounds) per year of NO_x (nitrogen oxides), 5.3 tons (10,582.7 pounds) per year of SO₂ (sulfur dioxide) and 780.5 tons (1,560,941.8 pounds) per year of CO₂ (carbon dioxide).

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	9.5	7.9	5.8	0.5	796.0
Residential	3.8	0.4	0.4	0.5	15.6
Electrical Power		1.5	5.3		780.5
TOTAL	13.3	9.8	11.5	1.0	1592.1

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 1.5 tons of nitrogen oxides per year and 5.3 tons of sulfur dioxide per year.

A significant method to mitigate this impact would be to require the builder to construct Energy Star qualified homes. Every percentage of increased energy efficiency translates into a percent reduction in pollution. Quoting from their webpage, <http://www.energystar.gov/>:

“ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of:

- building envelope upgrades,
- high performance windows,
- controlled air infiltration,
- upgraded heating and air conditioning systems,
- tight duct systems and

upgraded water-heating equipment.”

The Energy office in DNREC is in the process of training builders in making their structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. They highly recommend this project development and other residential proposals increase the energy efficiency of their homes.

They also recommend that the home builders offer geothermal and photo voltaic energy options. Applicable vehicles should use retrofitted diesel engines during construction. The development should provide tie-ins to the nearest bike paths, links to mass transit, and fund a lawnmower exchange program for their new occupants.

State Fire Marshal’s Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal’s Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- Where a water distribution system is proposed for townhouse type dwellings it shall be capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

b. **Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from both the Hudson Road entrance and the Route 54 entrance must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

c. Gas Piping and System Information:

- Provide type of fuel proposed, and show locations of bulk containers on plan.

d. Required Notes:

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Townhouse 2-hr separation wall details shall be shown on site plans
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed development application. The project is located within the Town of Selbyville, and is consistent with the Town's certified comprehensive plan and the *Strategies for State Policies and Spending*.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Tree Mitigation

The Delaware Forest Service encourages the developer to implement a tree mitigation program to replace trees at a 1:1 ratio within the site and throughout the community. This will help to meet the community’s forestry goals and objectives and reduce the environmental impacts to the surrounding natural resources. To learn more, please contact our offices at (302) 349-5754.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Delaware State Housing Authority – Contact Vicki Walsh 739-4263

This proposal is for a site plan review for 124 residential units on 56 acres, located on the southeast corner of Route 54 & Hudson Road in Selbyville. According to the State Strategies Map, the proposal is located within an Investment Level 4 area, but it has been annexed into the Town of Selbyville per their certified comprehensive plan since the 2004 Strategy update. The 2003 Statewide Housing Needs Assessment indicates that much of the housing in the Selbyville/Frankford CCD is outside of the affordability level

of low- and moderate-income households. For example, real estate data collected by DSHA for the fourth quarter of 2006 indicated that the median home price was \$360,000, which is outside the affordability level of low- and moderate-income households who can only afford a home priced at \$174,485. Households that cannot afford to live in the coastal resort area have been displaced to western Sussex County. The provision of moderately-priced units for first time homebuyers would help support the housing needs of low- and moderate-income families employed by the local retail, service, and tourism economy. The State Housing Authority recommends that the Town of Selbyville, as part of this Amendment, also include incentives that ensure long-term affordable housing for low- and moderate-income persons.

Department of Education – Contact: John Marinucci 735-4055

This proposed development is in the Indian River School District. DOE offers the following comments on behalf of the Indian River School District.

1. Using the DOE standard formula, this development will generate an estimated 62 students.
2. DOE records indicate that the Indian River School Districts' *elementary schools are at or beyond 100% of current capacity* based on September 30, 2006 elementary enrollment.
3. DOE records indicate that the Indian River School Districts' *secondary schools are not at or beyond 100% of current capacity* based on September 30, 2006 secondary enrollment. In multiple correspondences from the Indian River School District administration, the district asserts that while the Indian River High School has capacity, the Indian River Middle Schools' student population exceeds student capacity.
4. This development will create additional elementary school and middle school student population growth which will further compound the existing shortage of space. The developer is strongly encouraged to contact the Indian River School District Administration to address the issue of elementary school over-crowding that this development will exacerbate.
5. DOE requests developer work with the Indian River School District transportation department to establish developer supplied bus stop shelter ROW and shelter structures, interspersed throughout the development as determined and recommended by the local school district.

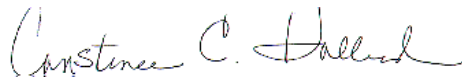
Sussex County – Contact: Richard Kautz 855-7878

Due to adjacent agricultural uses the Town should require a right to farm notice for each purchaser of the lots within the subdivision.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director

CC: Town of Selbyville